

Section 12 Informal Bids Projects

12.1 PURPOSE

The purpose of this Section is to define and describe submittal requirements and processing for informal bids projects. It is also to define the roles and responsibilities of various functional units as they relate to informal bids PS&E submittal.

12.2 DEFINITION

An emergency contract is for services that are required to respond immediately to a sudden, unexpected occurrence that poses a clear and imminent danger, requiring action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

12.3 GENERAL

When an emergency exists, Informal bids processing is used to accelerate the project processing time from receipt of the PS&E in DES-OE to the start of work. This process waives some of the provisions of the State Contract Act allowing the Department to advertise and award contracts faster.

Informal bids projects are not exempt from statutory or policy requirements. A Director's Order may waive the requirements of PCC 10122 for public works contracts that are subject to PCC 10122 only. Waiver of any other statute requires a Governor's Emergency Proclamation or Executive Order suspending the operation of all contracting statutes and regulations. This usually occurs during a catastrophic emergency.

Projects processed for informal bids require a Director's Order, which is obtained with a Director's Order Request. The district is to notify DES-OE to discuss the tentative project schedule as soon as it is apparent that an informal bids project is to be submitted to DES-OE for processing. The project schedule includes the following information to be used for the Director's Order Request:

- PS&E submittal date.
- Advertising date.
- Bid opening date.
- Award date.
- Start of work date.
- Number of working days.

DES-OE will determine tentative advertisement, bid opening, and award dates based on the criticality of the project. Advertisement periods may be scheduled for as short as a few days or as long as two weeks. Award of the contract may take from one to seven days.

If the project is eligible for federal funding, a draft copy of the Director's Order Request is to be sent to the Division of Budgets, Office of Federal Resources. Also, attach to the draft copy of the Director's Order Request, a memorandum requesting preparation of a Public Interest Statement with a brief justification for inclusion in the Public Interest Statement, NEPA document and R/W Cert.

Director's Orders for informal bids will not be approved before receipt of the complete PS&E.

12.4 ROLES AND RESPONSIBILITIES

DEPUTY DIRECTOR, MAINTENANCE AND OPERATIONS

Approves the Director's Order.

DISTRICT DIRECTOR

Signs requests for the Director's Order to accomplish work by informal bids contract. This responsibility may not be delegated unless the District Director is absent by reason of illness or vacation.

CHIEF, DIVISION OF MAINTENANCE

Prepares the Director's Order and coordinates the processing with DES-OE.

CHIEF, LEGAL DIVISION

Reviews the Director's Order before approval to determine whether State Contract Act requirements are met.

CHIEF, DIVISION OF TRANSPORTATION PROGRAMMING

- Ensures approval of G-11 or funds request. See Appendix D, "Websites," for the link to this CTC resolution.
- Signs Director's Order.

CHIEF, DIVISION OF BUDGETS

- Reviews the Director's Order before approval when capital outlay funds are to be used.
- Processes the E-76 for federally funded projects.

- Ensures the PIF is processed when required.
- Ensures that G-11 or funds request is processed.

DES-OE

- Ensures the contract documents for informal bids contracts are properly prepared and approved.
- Coordinates the advertising, bid opening, and award to the lowest responsible bidder.

PE AND OVERSIGHT ENGINEER

Provides timely information or clarification needed by DES-OE.

DOE

- Ensures that informal bids PS&E submittals are prepared and processed in conformance with the Department's policies and procedures.
- Ensures the appropriate distribution of PS&E is made per the Cover Memo.

PROJECT MANAGER

Ensures that all advertising constraints have been cleared before the Director's Order approval.

12.5 PS&E SUBMITTAL REQUIREMENTS

Project plan delineation need not meet the same quality standards expected for a typical project. Hand drawn plans have been successfully used, but project plans developed on CADD are recommended whenever possible. PS&E quality for emergency projects should only be sacrificed in the interest of saving time. However, the district is still to submit PS&Es which, when used together, present the proposed work, and are consistent, accurate, and complete. Plans must be legible when reduced in size by 50 percent.

Emergency projects generally require highly expedited processing. In addition to the requirements described in Section 10, "PS&E Submittal Requirements" and Figure 12-1, "Informal Bids Contract Submittal Checklist," the district submits the following applicable information to DES-OE to expedite review and preparation of contract documents for informal bids projects:

- Identify submittal as Informal Bids Project on the cover page of the PS&E submittal.
- When PS&E is hand-delivered, provide a PS&E CADD Submittal Form and two sets of project plan prints. SOE will also provide a PS&E CADD Submittal Form and two prints of SOE plans, when applicable.

- Copy of the Director's Order or copy of Director's Order Request.
- If a pre-bid meeting is to be held, include the time, date, and location for the meeting (pre-bid meetings are not recommended for projects with short advertising periods).
- Identify the need for calendar or non-standard working days.
- Identify the need for non-standard work shifts, such as multiple work shifts i.e., double shifts.
- Provide calculations to justify higher than standard liquidated damages.
- PIF Statement (see Appendix B, "Forms and Miscellaneous Information") with Letters of Justification for less than three week-advertisement, use of force account (day labor), use of publicly owned equipment, use of State-furnished materials, mandatory use of borrow/disposal sites, use of patented and proprietary materials, waiver of Buy America provisions, and/or acceleration techniques added by contract change order. The PIF Statement must be processed through the Federal Resources Office, Division of Budgets.
- Contact Division of Budgets, Office of Federal Resources, for assistance in the preparation of Public Interest Findings for federally funded projects. In the PS&E submittal, identify the FHWA Engineer that provided the approval.
- Proposed incentive/disincentive clauses must be supported by quantified user savings to the public. Recommend a daily maximum and a project total. Include a copy of the incentive/disincentive calculations with the submittal. Deputy Director for Project Delivery approval is required for the use of Incentive/Disincentive clauses, if "A+B" bidding is requested.

12.6 PROCESSING

DES-OE gives the highest priority to informal bids projects . If necessary, DES-OE will suspend work on other projects that would delay or interfere with the progress of informal bids projects. In order to meet the negotiated target dates imposed for the expedited schedule, district and DES-SD personnel must make the same commitment. It is imperative that district and DES-SD PEs, specification engineers, and other appropriate staff members are available to respond quickly to DES-OE requests for information. This may include working evenings, weekends, and holidays unless arrangements are made to the contrary.

The processing time from receipt of PS&E in DES-OE to start of contract work for informal bids projects is typically 2 to 4 weeks.

12.7 ADVERTISEMENT

Some emergency projects are issued exemptions from State and local permits by an executive order from the Governor. Other selected emergency projects may require contract constraints to be cleared before bid opening and be advertised on a "risk" basis, that is, without all required documentation delivered to DES-OE. Typically, the goal is to advertise emergency projects one week after PS&E delivery to DES-OE. Projects will not normally be advertised until the following has occurred:

- Receipt of the complete District Response.
- Receipt of all permits and the Right of Way certification, and execution of any agreements.
- Receipt of materials information.
- An E-76 is required for federally funded informal projects defined as new or reconstruction on the Interstate following catastrophic failure. The E-76 must be dated no later than the advertisement date or federal funding may be forfeited.

A Director's Order and Funds Requests must be processed by the district and sent to the appropriate Headquarters Division as early as possible. Regardless of when the project is ready for advertising, projects cannot be advertised before execution of the Director's Order or before funds being allocated for the project.

Limited time is available for contractors to become aware of an informal bids project, obtain bid documents, and develop responsible bids. The district is to contact interested contractors capable of performing the type of work involved. Districts are encouraged to use the Department's Emergency Contractor Interest Registry (Appendix D, "Websites"). They should be informed about the general type of work and the "Call Out Number" of the project, and the tentative schedule (advertise, bid opening, start of work). Provide DES-OE with a list of 7 to 10 contractors who will be provided a bid package before the advertising date.

For federally eligible projects, do not contact any contractor until the Federal Authorization to Proceed (E-76) has been processed. Contacting a contractor before federal authorization will forfeit federal funding for the project.

Typically, on all but the most accelerated informal bids contracts, bid packages will only be made available in Sacramento. Contractors may request that the bid packages be mailed to them, free of charge, by overnight mail.

If the bid packages are distributed by the district, it is critical that the district keeps a complete and accurate record of all contractors who received bid packages and make this record available to DES-OE. If it becomes necessary to issue an addendum, DES-OE must provide a

copy of the addendum to all contractors who received bid packages, or it may be necessary to reject all bids and readvertise the project, even in an emergency.

On the most accelerated informal bids projects, the district must deliver bid packages (prepared by DES-OE) directly to interested prime contractors, where available, or make arrangements in advance for the contractors to pick up the bid documents in the District Office or Headquarters. When applicable, the District is to provide bidders with a list of DBE subcontractors.

12.8 BID OPENING AND AWARD

Depending on the criticality of the project, bid opening for informal bids contracts may be scheduled for any day of the week or any location. See Section 4.7, "Bid Opening and Award," for the regular bid opening days, locations, and the requirements for District Recommendation for Award.

12.9 REFERENCES

Public Contract Code 1102 and 10122, Streamlining the Director's Order Request and Approval Process Memorandum, Guidelines for Requesting Director's Order (Intranet site, http://onramp.dot.ca.gov/hq/maint/orway/ha23/children/do_guide/dog00.html) and Deputy Directive 26R.

Figure 12-1 Informal Bids Contract Submittal Checklist

The following item may be E-mailed to DES-OE:

- Electronic Specifications.

The following items may be sent by FACSIMILE, e-mail, or pdf format to DES-OE:

- Request for Director's Order.
- Request for Funds (G-11).
- Damage Assessment Form (DAF), (if applicable). See the "Major Damage Restoration Coordinator's Handbook" for information about DAFs.
- Signed Cover Memo and signed RTL Certification Form.
- R/W certification.
- Required permits and agreements.
- Railroad clauses.
- Materials information handout.
- Certification of High/Low Risk Utilities.
- Copy of the combined BEES.
- CADD submittal.
- Environmental Clearance.
- Engineer's Seal and Signature Sheet (for Special Provisions book).
- List of 7 to 10 bidders (see Figure 12-2 for an example).

A list of 7 to 10 Contractors who have been contacted and have indicated an interest in bidding the contract. They should be informed about the general type of work and the approximate total cost of the project, and the tentative schedule (advertising date, bid opening date, start work date).

The list should include:

- Company name

- Street address (not a PO box)
- Telephone number
- FACSIMILE number
- Contact person (if possible)

Figure 12-2
Example List of 7 to 10 Bidders

<p>Hutchins Paving & Engineering, Inc. 7025 Eastside Road Anderson, CA 96007 Phone : (530) 246-4272 FAX: (530) 246-4279</p>	<p>Merser-Fraser 122 Plenum Road Eureka, CA. 95502 Phone : (707) 443-6371 FAX: (707) 443-6371 Call first</p>
<p>John N. Petersen, Inc. 1212 Arcadia Street Eureka, CA 95502 Phone : (707) 443-5661 FAX: (707) 733-5659</p>	<p>Roy E. Ladd Inc. 5432 Main Street Redding, CA 96099-2750 Phone : (530) 241-6102 FAX: (530) 241-5492</p>
<p>Arcadian Enterprises 52 Harmony Court Redding, CA 96089 Phone : (530) 275-4443 FAX: (916) 275-0706</p>	<p>Clemens Construction Co. 1800 Plinth Lane Redding, CA 96049 Phone : (530) 233-6593 FAX: (530) 223-0128</p>
<p>Tullis and Heller, Inc. 4455 Estuary Street Redding, CA. 96049 Phone: (530) 241-5105 FAX: (530) 241-5570</p>	<p>Manning Construction Company 20063 Pontero Drive Redding, CA 96003 Phone : (530) 275-8356 FAX: (530) 275-5715</p>
<p>Barber Construction, Inc. 2115 Chexem Road Blue Lake, CA 95525 Phone : (707) 668-5688 FAX: (707) 668-4383</p>	<p>Stimpel Wiebelhaus Associates 7812 Huguenot Drive. Redding, CA 96049-2335 Phone : (530) 223-6605 FAX: (530) 223-3879</p>
<p>Churn Creek Construction Company 8537 Commercial Way Redding, CA. 96002 Phone : (530) 222-0107 FAX: (530) 222-0686</p>	<p>R. Brown Construction Company 45 Bianca Way Willow Creek, CA 95573 Phone : (530) 629-3702 FAX: (530) 629-2863</p>